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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,972	04/12/2001	Kevin Bentley McKay	OSI-0101	3837

7590 11/28/2003

Law Office of Dale B. Halling, LLC
24 S. Weber Street, Suite 311
Colorado Springs, CO 80903

EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,972

Applicant(s)

MCKAY, KEVIN BENTLEY

Examiner

Khawar Iqbal

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,7,8,10,11,14-17 and 19 are rejected under 35 U.S.C. 102(e) as being unpatentable by Koshima et al (US 6415155).

3. Regarding claim 1 Koshima et al teaches an emergency command and control system, comprising (abstract):

a plurality of positioning subsystems (50,60), each of the plurality of positioning subsystems having a receiver and a transmitter, the plurality of positioning subsystems transmitting a positioning signal (col. 7, lines 44-58);

a wearable tag (7) capable of receiving the positioning signal from several of the plurality of positioning systems, the wearable tag transmitting a tag position (col.7, lines 54-67); and

a console (1) containing a computer (1A) and a receiver capable of receiving the tag position (col. 7, line 63-col. 8, line 11, col. 8, lines 48-60).

Regarding claim 10 Koshima et al teaches a method of operating an emergency command and control system, comprising the steps of (abstract):

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determining a position of a plurality of positioning subsystems (col. 7, lines 44-58);

transmitting a position signal from each of the plurality of positioning subsystems (col. 7, lines 54-67);

receiving the position signal from several of the plurality of positioning subsystems at a wearable tag (col. 7, line 63-col. 8, line 11, col. 8, lines 48-60);

calculating a tag position (col. 7, line 63-col. 8, line 11, col. 8, lines 48-60).

Regarding claims 15 and 19 Koshima et al teaches an emergency command and control system, comprising (abstract):

a wearable subsystem transmitting and receiving a positioning signal (col. 7, lines 44-58); and

a console, having a directional antenna, transmitting and receiving the positioning signal and calculating a wearable subsystem position, the console displaying (col. 7, lines 10-11) the wearable subsystem position on a display (col. 7, line 59-col. 8, line 11, col. 8, lines 48-60).

Regarding claims 2 and 17 Koshima et al teaches wherein each of the plurality of positioning subsystems has a time modulated receiver (col. 4, lines 25-39, col. 5, lines 5-67).

Regarding claims 3,14 Koshima et al teaches wherein the transmitter in each of the plurality of positioning subsystems uses a time modulated transmission system (col. 4, lines 25-39, col. 5, lines 5-67).

Regarding claims 7 and 16 Koshima et al teaches wherein the console includes a

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time modulated receiver (col. 4, lines 25-39, col. 5, lines 5-67).

Regarding claims 8 and 11 Koshima et al teaches wherein the console displays a location of the wearable tag (col. 7, lines 10-11).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6,9,12,13,18,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koshima et al (US 6415155), and further in view of McCarthy et al (US20020196131).

Regarding claims 4-6,9,12,13,18-20 Koshima et al does not specifically teach wherein the wearable subsystem transmits an audible alarm when the wearable subsystem has not moved for a predetermined period of time.

In an analogous art, McCarthy et al wherein the wearable subsystem transmits an audible alarm when the wearable subsystem has not moved for a predetermined period of time (paragraph # 00009). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Koshima et al by specifically adding feature audible alarm when the wearable subsystem has not moved for a predetermined period of time in order to enhance

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system performance of the mobile system purpose of increasing efficiency as taught by McCarthy et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal




CHARLES APPIAH
PRIMARY EXAMINER